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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 CARL DAVID WHITE,

11 Plaintiff,

No. CIV S-04-2276 GEB GGH P

12 vs.

13 CALIFORNIA DEPARTMENT  
14 OF CORRECTIONS, et al.,

15 Defendants.

ORDER

16 On July 13, 2005, plaintiff filed a motion for discovery. Plaintiff does not claim  
17 that defendants have failed to participate in the discovery process. Rather, plaintiff seeks a court  
18 order directing defendants to respond to his discovery requests.

19 Plaintiff is informed that court permission is not necessary for discovery requests  
20 and that neither discovery requests served on an opposing party nor that party's responses should  
21 be filed until such time as a party becomes dissatisfied with a response and seeks relief from the  
22 court pursuant to the Federal Rules of Civil Procedure. Discovery requests between the parties  
23 shall not be filed with the court unless, and until, they are at issue. Accordingly, plaintiff's  
24 motion for discovery is disregarded.

25 On July 13, 2005, plaintiff also filed a motion for a pretrial conference. Pending  
26 before the court is defendants' May 19, 2005, motion to dismiss for failure to exhaust

1 administrative remedies and for failure to state a claim. At this point in the litigation, a pretrial  
2 conference is premature. Accordingly, plaintiff's July 13, 2005, motion for a pretrial conference  
3 is denied.

4 On July 13, 2005, plaintiff also filed a motion for summary judgment. Because  
5 defendants' motion to dismiss, as described above, is pending, plaintiff's summary judgment  
6 motion is premature as well. Accordingly, the court will vacate plaintiff's motion and will  
7 renotice it following resolution of defendants' motion, if appropriate.

8 On July 29, 2005, defendants filed a request for extension of time to respond to  
9 plaintiff's summary judgment motion. Because plaintiff's motion is vacated, defendants' request  
10 for extension of time is denied as unnecessary.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's July 13, 2005, motion for discovery is disregarded;
- 13 2. Plaintiff's July 13, 2005, motion for a pretrial conference is denied;
- 14 3. Plaintiff's July 13, 2005, summary judgment motion is vacated without  
15 prejudice to its renewal at a later time;
- 16 4. Defendants' July 29, 2005, request for extension of time is denied as  
17 unnecessary.

18 DATED: 8/16/05

19 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS  
21 UNITED STATES MAGISTRATE JUDGE

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